

REMARKS

Claims 1-7 are pending in the application. By this amendment, Claim 1 is canceled, Claims 2, 4 and 6 are amended, and new Claims 8 and 9 are added.

Claim 1 has been rejected under 35 USC 103(b) as being unpatentable over Westdyk (U.S. Pat. No. 5,360,337). Claims 1-7 have been rejected under 35 USC 101 (statutory double patenting) based on Claims 1-6 of U.S. Pat. No. 6,089,863.

Claim 1 has been canceled. Claims 2, 4 and 6 have been amended to include the limitations of Claim 1 and the added limitation "integral shaping element". The amended Claims 2-7 are novel and non-obvious with respect to the cited art, and differ in scope relative to Claims 1-6 of the '863 patent. Thus, amended Claims 2-7 are believed to overcome the rejections under both 35 USC 103(b) and 35 USC 101, and are in condition for allowance.

The rejection under 35 USC 103(b) is traversed with respect to new Claims 8 and 9.

In the rejection of Claim 1, the Examiner indicates that Westdyk "shows . . . a shaping element 16 with a spherical head 58 for forming in a dental model base a matching spherical connection element for a pivot mechanism which rotationally mates with a corresponding connection element of the articulator."

Westdyk discloses an articulator for a dental model. The articulator 10 (FIG. 1) includes a connecting member 16 for partial embedding in a settable material. A dental cast (or model base) is formed by pouring the settable material into a mold 18 which includes an opening 74 for receiving a portion of the connecting member 16. As Westdyk further discloses:

After setting, the cast, in which the connecting member 16 is embedded, is removed from the mould by deforming the sides and floor of the mould, the connecting member 16 being withdrawn inwardly through the opening 74 as the cast is removed from the mould 18.

(Column 6, lines 7 - 14.)

As is clear from the Westdyk disclosure, the connecting member 16 is not part of the mold 18 disclosed therein. Rather, the connecting member 16 of Westdyk either is part of the articulator which in use becomes embedded in a dental cast or base formed by mold 18, or is part of the dental cast or base.

In contrast, the invention of Claim 8 is directed to a mold having an integral shaping element comprising a convex portion extending into the cavity for forming a pivot mechanism at the dental model base. Claim 9 is directed to a mold that includes a rear wall having a recess for forming a pivot mechanism at the dental model base. Clearly, Westdyk does not teach or suggest either an integral shaping element (Claim 8) or a rear wall having a recess for forming a pivot mechanism (Claim 9).

CONCLUSION

In view of the above amendments and remarks, it is believed that all pending claims (Claims 2-9) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (978) 341-0036.

Respectfully submitted,

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MARKED UP VERSION OF AMENDMENTSClaim Amendments Under 37 C.F.R. § 1.121(c)(1)(ii)

2. (Amended) [The mold of Claim 1] A mold for forming therein a dental model base useable with a dental articulator, the mold comprising:
a bottom portion having a rear wall and a side wall at a periphery thereof extending upwards to define a cavity, the walls having upper edges defining an opening to the cavity; and
an integral shaping element for forming at a portion of the dental model base a complement to the shaping element, the complement defining a connection element of a pivot mechanism which rotationally mates with a corresponding connection element of the articulator wherein the rear wall includes a first recess and wherein the shaping element comprises a first excavate cylindrical element in the first recess for forming at the dental model base a stanchion having an incurvature corresponding to the excavature of the cylindrical element.

4. (Amended) [The mold of Claim 1] A mold for forming therein a dental model base useable with a dental articulator, the mold comprising:
a bottom portion having a rear wall and a side wall at a periphery thereof extending upwards to define a cavity, the walls having upper edges defining an opening to the cavity; and
an integral shaping element for forming at a portion of the dental model base a complement to the shaping element, the complement defining a connection element of a pivot mechanism which rotationally mates with a corresponding connection element of the articulator wherein the shaping element comprises a convex portion extending into the cavity for forming a concavity [concave channel] at the dental model base to which concavity [channel] the articulator can be attached to form a pivot mechanism.

6. (Amended) [The mold of Claim 1] A mold for forming therein a dental model base useable with a dental articulator, the mold comprising:
a bottom portion having a rear wall and a side wall at a periphery thereof extending upwards to define a cavity, the walls having upper edges defining an opening to the cavity; and
an integral shaping element for forming at a portion of the dental model base a complement to the shaping element, the complement defining a connection element of a pivot mechanism which rotationally mates with a corresponding connection element of the articulator wherein the shaping element comprises an excursive cylindrical element for forming at the dental model base an incurvature corresponding to the excursive curvature of the cylindrical element.